

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 3:23-CR-20-KAC-JEM
DEJUAN D. WELLS,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant's Unopposed Motion to Continue Trial [Doc. 14], filed on August 4, 2023.

In his motion, Defendant asks the Court to continue the August 29, 2023 trial date. Defendant was arraigned on June 27, 2023. Defense counsel has received discovery from the Government and is in the process of reviewing it, but she has been unable to open and review various videos and recordings that are necessary to review prior to defense counsel engaging in plea negotiations and preparing for trial. Counsel for the Government is aiding defense counsel in finding a way to review these videos and recordings, including by providing the videos and recordings in a different format if need be. Defendant informs the Court that counsel for the Government does not oppose a continuance of the trial date. Defendant also notes he is gainfully employed and residing in Michigan on pretrial release.

In subsequent communications between the Court and parties, defense counsel relayed that she has spoken with Defendant about the issues regarding her ability to access the discovery. Counsel further relayed that she has spoken with Defendant at length about his speedy trial rights, and that

Defendant understands that the period of time between the filing of the motion and a rescheduled trial date would be fully excludable for speedy trial purposes.

Based upon the information in Defendant's motion and defense counsel's subsequent communications with the Court and because the Government does not oppose the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs additional time to access and review the discovery, including all videos and recordings, so that she can engage in plea negotiations with the Government and otherwise prepare for trial in the event plea negotiations are not fruitful. All of this cannot be done by the August 29, 2023 trial date.

The Court therefore **GRANTS** Defendant's Unopposed Motion to Continue Trial [**Doc. 14**]. The trial of this case is reset to **December 12, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on August 4, 2023, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

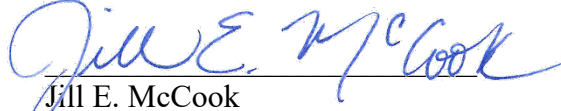
Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Unopposed Motion to Continue Trial [**Doc. 14**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **December 12, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;

- (3) all time between the filing of the motion on **August 4, 2023**, and the new trial date of **December 12, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing pretrial motions is extended to **August 25, 2023**, and responses to motions are due on or before **September 8, 2023**;
- (5) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **November 10, 2023**;
- (6) the deadline for filing motions *in limine* is **November 27, 2023**;
- (7) the parties are to appear before the undersigned for a final pretrial conference on **November 28, 2023, at 1:30 p.m.**; and
- (8) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **December 1, 2023**.

**IT IS SO ORDERED.**

ENTER:

  
Jill E. McCook  
United States Magistrate Judge